

I represent certain Intelsat Retirees. Intelsat has denied the agreement of pre-privatized Intelsat to provide vested retiree health benefits to certain retirees covered by an Intelsat Board resolution (CPD-114 and CPD-119). In a case currently pending in the United States District Court for the District Of Columbia, Civil Action Number 1:04C01618, Intelsat has claimed they are entitled to the treaty immunity of pre-privatized Intelsat. I incorporate herein by reference all the pleadings filed concerning Intelsat's motion to dismiss in that case, in which Intelsat claims the immunity. I will deliver the copies to the FCC my mail tomorrow.

It seems improper for Intelsat to claim they have completed privatization, when they are in court claiming immunity based on pre-privatization Intelsat's immunity. Moreover, the Board resolution required post-privatization Intelsat to provide vested health benefits to certain retirees, and Intelsat has failed to do so. Until that is done, Intelsat has not completed the transition to privatization.

I am sorry this is abbreviated, but I just learned of today's delay at 5:15pm. I had inquired of the FCC about this on 2/11/05, and received no response.

Larry Postol, 202-828-5385.